

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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MICHAEL CARBONI and	:	
C.O.M. TRADING, INC.,	:	06 Civ. 15488 (RJH)
	:	ECF Case
Plaintiffs,	:	
	:	NOTICE OF MOTION
	:	FOR A STAY PENDING
- against -	:	ARBITRATION
	:	
BOB LAKE and R.J. O'BRIEN &	:	
ASSOCIATES, INC.,	:	
Defendants.	:	

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PLEASE TAKE NOTICE that, upon the annexed Affidavit of Michael O. Ware, sworn to March 16, 2007, and of Robert M. Lake, sworn to March 15, 2007, and all prior proceedings herein, the undersigned will move this Court, before the Hon. Richard J. Holwell, in Courtroom 17B in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on June 22, 2007, at 2:30 P.M. or as soon thereafter as counsel may be heard, for an order under Federal Arbitration Act § 3, 9 U.S.C. § 3, staying all proceedings in this action pending arbitration under the rules of the New York Mercantile Exchange (“NYMEX”) on the ground that the matters at issue in this action are subject to compulsory member-member arbitration under NYMEX Rule 5.04(A), and granting defendants such other, further and different relief as may be just in the circumstances.

PLEASE TAKE FURTHER NOTICE that, pursuant to the order entered
February 28, 2007, any answering papers must be served no later than April 27, 2007.

Dated: New York, New York
March 16, 2006

Yours, etc.,

MAYER, BROWN, ROWE & MAW LLP

By:


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